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15 UNITED STATES OF AMERICA
16 NATIONAL LABOR RELATIONS BOARD
17 REGION 32

18 SERVICE EMPLOYEES INTERNATIONAL
19 UNION, LOCAL 2015

20 and

21 THYME HOLDINGS, LLC DBA WESTGATE
22 GARDENS CARE CENTER

Case Nos. 32-CA-190480
32-CA-197298

**JOINDER IN MOTION FOR
SUMMARY JUDGMENT**

23 The Charging Party, Service Employees International Union, Local 2015, hereby joins in
24 the General Counsel's Motion for Summary Judgment.

25 The Charging Party suggests additional appropriate remedies:

26 1. The Board's Notice should have a reference to the NLRB's Mobile App, which is
27 available so that employees can learn their rights.

28 2. The Board's Notice and the Decision of the Board should be mailed to all
employees. Simply posting the Notice without further explanation of what occurred in the
proceedings is not adequate notice for employees. The Board Decision should be mailed to
former employees and provided to current employees.

3. Additionally, any Notice that is posted should be posted for the period of time
from when the violation began until the notice is posted. The short period of 60 days only

1 encourages employers to delay proceedings, because the notice posting will be so short and so far
2 in the future.

3 4. The Notice should be amended to require that whatever company official signs the
4 Notice print his or her name. Increasingly management representatives are scribbling their names
5 in ways that are illegible. It would not be a burden on the Respondent and it would clarify any
6 notice to have their name printed on the Notice. This will avoid this common place tactic of
7 having illegible names and so that employees have no idea of who has signed the Notice.

8 5. Notice reading should be required in this matter. That Notice reading should
9 require that a Board Agent read the Notice and allow employees to inquire as to the scope of the
10 remedy and the effect of the remedy. Simply reading a Notice without explanation is inadequate.
11 There cannot be any dispute that a Notice reading would have greater effect in advancing the
12 policies of the Act. A case study of over five hundred NLRB cases, commissioned by the
13 Chairman in 1966, strongly advocated for the adoption of such a remedy, recommending
14 “providing an opportunity on company time and property for a Board Agent to read the Board
15 Notice to all employees and to answer their questions...” The employer should not be present.
16 The Union should be notified and allowed to be present. This should be on work time and paid.

17 6. The traditional Notice is also inadequate. The standard Board Notice should
18 contain an affirmative statement of the unlawful conduct. We suggest the following:

19 We have been found to have violated the National Labor Relations
20 Act. We illegally refused to accept the choice of licensed
21 vocational nurses (LVNs) who overwhelmingly voted 20-2 to join
22 the Union, SEIU Local 2015, in a secret ballot election conducted
on November 4, 2016. We accept the choice of the LVNs and
recognize the Union as their selected bargaining representative.

23 Absent some affirmative statement of the unlawful conduct, the employees will not understand
24 the arcane language of the Notice. Nor is the Notice sufficient without such an admission. A
25 Notice framed as a statement that the employer will not do specified conduct is not an admission
26 or recognition that the employer did anything wrong to begin with.

27 7. The Notice should be included with any payroll statements. See California Labor
28 Code Section 226.

8. The employees should be allowed work time to read the Board's Decision and Notice. To require that they read the Notice whether by email, on the wall or at home on their own time is to punish them for Respondent's misdeeds.

9. Respondent should be required to post permanently the Board's ill-fated employee rights notice. (<https://www.nlr.gov/poster>) The Courts that invalidated the rule noted that such a notice could be part of a remedy for specific unfair labor practices. It is time for the Board to impose the requirement for a lengthy posting of that notice as a remedy for unfair labor practices.

For these reasons the General Counsel's Motion should be granted with the amended remedy sought above.

Dated: June 12, 2017

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ DAVID A. ROSENFELD
DAVID A. ROSENFELD
Attorneys for Charging Party,
Service Employees International Union, Local 2015

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1 **PROOF OF SERVICE**

2 I am a citizen of the United States and resident of the State of California. I am employed
3 in the County of Alameda, State of California, in the office of a member of the bar of this Court,
4 at whose direction the service was made. I am over the age of eighteen years and not a party to
5 the within action.

6 On June 12, 2017, I served the following documents in the manner described below:

7 **JOINDER IN MOTION FOR SUMMARY JUDGMENT**

- 8 ☒ (BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy
9 through Weinberg, Roger & Rosenfeld's electronic mail system from
10 jaranda@unioncounsel.net to the email addresses set forth below.
- 11 ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of
12 Weinberg, Roger & Rosenfeld for collection and processing of correspondence for
13 mailing with the United States Postal Service, and I caused such envelope(s) with
14 postage thereon fully prepaid to be placed in the United States Postal Service at
15 Alameda, California.

16 On the following part(ies) in this action:

17 Henry F. Telfeian Law Office of Henry F. Telfeian P. O. Box 1277 Kings Beach, CA 96143 Email: laborlawyer@gmail.com	Via Email & U.S. Mail
18 Valerie Hardy-Mahoney Regional Director National Labor Relations Board Region 32 1301 Clay Street, Suite 300N Oakland, CA 94612-5224 Email: valerie.hardy-mahoney@nlrb.g	Via Email
21 Angela Hollowell-Fuentes Counsel for the General Counsel National Labor Relations Board Region 32 1301 Clay Street, Suite 300N Oakland, CA 94612-5224 Email: angela.hollowell-fuentes@nlrb.gov	Via Email

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct. Executed on June 12, 2017, at Alameda, California.

26 J. L. Aranda
27 J. L. ARANDA